



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 13, 2008

REGISTERED MAIL

RB 336 145 597 US

Mr. Robert Burke
Division Director
King County Department of Transportation
King County International Airport
7233 Perimeter Rd. S.
AIR-TR-0100
Seattle, WA 98108

REGISTERED MAIL

RB 336 145 606 US

Mr. Jim Morrow
Director
City of Tukwila
Public Works Department
6300 Southcenter Boulevard
Tukwila, WA 98188-2544

Dear Mr. Burke and Mr. Morrow:

RE: King County Airport Outfall Pipe #5

Latitude/Longitude Information: Midpoint: 47° 31' 37.9" N and -122° 18' 23.4" W
East end: 47° 31' 37.9" N and -122° 18' 13.5" W
West end: 47° 31' 37.9" N and -122° 18' 33.2" W

The approximately 1300 feet of 24-inch stormwater pipe that runs parallel to the southern edge of the Boeing Plant 2 property line on Jorgensen Forge property, between E. Marginal Way and the Duwamish River.

Enclosed is Notice of Violation number 6180. This notice is issued for violation of RCW 90.48.080 by discharging municipal stormwater from King County and City of Tukwila drainage areas through known PCB contamination to the Lower Duwamish Waterway, a water of the state.

All correspondence relating to this document should be directed to Enforcement Coordinator at Department of Ecology, Northwest Regional Office, 3190 - 160th Avenue SE, Bellevue, WA 98008-5452. If you have any questions concerning the content of the document, please call Bob Wright at (425) 649-7060.

This Notice of Violation is issued under the authority of Chapter 90.48.120(1) of the Revised Code of Washington.

Sincerely,

Kevin C. Fitzpatrick
Water Quality Section Manager

KCF:RW:ct
Enclosures

cc: Larry Altose, Ecology PIO
Raman Iyer, Ecology
Bob Wright, Ecology
Rachel McCrea, Ecology
Cyma Tupas, Ecology
Richard Thomas, Ecology
Central Files: King County Airport Outfall Pipe #5, No Permit; WQ 6.4

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DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY)

King County Department of Transportation)
&)
City of Tukwila)

with Chapter 90.48 RCW and the)
Rules and Regulations of the)
Department of Ecology)

NOTICE OF VIOLATION
No. 6180

To: Mr. Robert Burke
Division Director
King County Department of Transportation
King County International Airport
7233 Perimeter Rd. S.
AIR-TR-0100
Seattle, WA 98108

Mr. Jim Morrow
Director
City of Tukwila
Public Works Department
6300 Southcenter Boulevard
Tukwila, WA 98188-2544

For the site located at:

King County Airport Outfall Pipe #5

Latitude/Longitude Information: Midpoint: 47° 31' 37.9" N and -122° 18' 23.4" W
East end: 47° 31' 37.9" N and -122° 18' 13.5" W
West end: 47° 31' 37.9" N and -122° 18' 33.2" W

The approximately 1300 feet of 24-inch stormwater pipe that runs parallel to the southern edge of the Boeing Plant 2 property line on Jorgensen Forge property, between E. Marginal Way and the Duwamish River.

Chapter 90.48.120 of the Revised Code of Washington (RCW) reads in part: "Whenever, in the opinion of the Department, any person shall violate or create a substantial potential to violate the provisions of this chapter, or fails to control the polluting content of waste discharged, or to be discharged into any waters of the state, the Department shall notify such person of its determination by registered mail . . ." Notice is hereby given in accordance with chapter 90.48.120(1) of the Revised Code of Washington (RCW), as follows for the location known as King County Airport Outfall Pipe #5 located at the approximately 1300 feet of 24-inch stormwater pipe that runs parallel to the southern edge of the Boeing Plant 2 property line on Jorgensen Forge property, between E. Marginal Way and the Duwamish River (see latitude/longitude information provided above).

The King County International Airport (King County) has five main stormwater discharge outfalls to the Lower Duwamish Waterway. Discharge #5 flows from the airport, under E. Marginal Way then through a 24-inch storm drain pipe that runs for approximately 1300 feet, parallel to the southern edge of the Boeing Plant 2 property line on Jorgensen Forge property, between E. Marginal Way and the Duwamish River. In the early 1990s, the City of Tukwila (Tukwila) tapped into this pipe as part of a roadway project in the vicinity. King County discharges approximately 26 acres of drainage from the airport to this pipe and Tukwila approximately 8 acres. Jorgensen Forge and Boeing used to discharge to this pipe, but both have disconnected their storm drainage system from this 24-inch storm drain pipe and no longer discharge through it. King County and Tukwila are the only entities that currently discharge through this pipe. This section of storm drain pipe is an integral component of their storm drainage system. Therefore, King County and Tukwila are operators of this pipe and are responsible for its operation and maintenance.

In May 2005, solids samples were collected from this 1300-foot section of 24-inch storm drain pipe by Boeing. The solids sampled from three manholes consisted of several inches of silty sand and/or gravel overlying approximately ½ inch of oily sludge. The PCB concentrations found in the pipe sediments ranged from 68 parts per million (ppm) at the manhole near E. Marginal Way (Public SDMH-11) to 10,000 ppm (SDMH-24A) approximately 1000 feet downstream.

When stormwater flows through this 24-inch storm drain pipe from King County and Tukwila drainage areas, sediments within the pipe will tend to migrate downstream towards the Lower Duwamish Waterway. We have the technology and opportunity to remove most if not all of these PCB-contaminated sediments before they migrate into the river. By continuing to direct municipal stormwater through this pipe with high levels of PCB-contaminated sediments, King County and Tukwila are in violation of RCW 90.48.080, Discharge of polluting matter in waters prohibited. *RCW 90.48.080 states that... it shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter.*

This determination does not constitute an order or directive under RCW 43.21B.310.

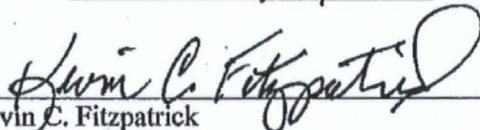
RCW 90.48.120(1) requires that within thirty (30) days from the receipt of this Notice of Violation, King County Department of Transportation/King County International Airport & the City of Tukwila shall file with the Department of Ecology (Department) a full report stating:

1. What steps HAVE BEEN taken to control such waste or pollution to otherwise comply with this determination of the Department, and
2. What steps ARE BEING taken to control such waste or pollution to otherwise comply with this determination of the Department, and
3. Send the report to:

Enforcement Coordinator
Water Quality Program
Department of Ecology, Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

Upon receipt of this report, the Department shall issue such order or directive as it deems appropriate under the circumstances, and shall notify King County Department of Transportation/King County International Airport & the City of Tukwila by certified mail.

DATED November 7, 2008 at Bellevue, Washington.



Kevin C. Fitzpatrick
Water Quality Section Manager